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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Art Unit: 2161

Ramachandran, Watson, Das, Chinn

Examiner:

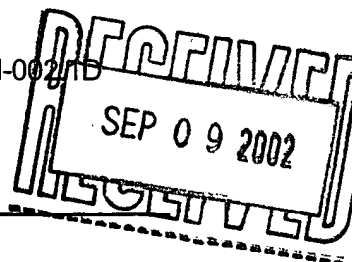
Serial No.: 10/002,504

Docket No: COM-002,115

Filed: 11/01/01

For: USAGE BASED LICENSING SERVER AND DATA STRUCTURE

Honorable Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231



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INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§1.97-1.98, the undersigned would like to make the following prior art references of record in the above-identified patent application. Some of these references may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

While this Information Disclosure Statement may contain material information pursuant to 37 C.F.R. §1.56, it is not intended to constitute an admission that any individual reference referred to herein is prior art to the invention disclosed and claimed in the above-identified patent application.

Each reference listed herein may be accompanied by an explanation of its relevance. While this explanation is believed to generally reflect the contents of the references which the undersigned believes a reasonable examiner might consider relevant and material to the examination of the above-identified patent application, it is not intended that the examiner rely on the description as unfailingly accurate or complete. A copy of each reference is enclosed for the express purpose of providing the examiner with an opportunity to perform an independent evaluation to arrive at an independent assessment of its relevance and materiality, if any, to the

claimed subject matter.

### Cited Art

US 5,940,504 To Griswold, filed June 29, 1992, Issued 8/17/1999 (a CIP of a prior application 07/724,180 filed July 1, 1991): This patent discloses a license management system for recording the use of a licensed product such as computer software which is directed to the problem of illegal copying of software products. The patent describes the prior art schemes of dongles, copy protection schemes by placing data on a disk where no data is expected, license daemons, license monitoring on a network and license metering schemes. The problems of these prior art approaches are identified and solved by use of a datagram generated by the licensed product which is transmitted over a communication network to the licensor's site. The datagrams are compared to a database there, and, after comparison, a reply datagram is sent to the licensee which contains instructions regarding the licensed use. The licensee computer reacts to the datagram's instructions and will not run if the reply datagram contains a denial. The licensed product will not run without receiving a reply datagram which contains an authorization so if the computer on which the licensed product is installed is removed from the network, the licensed product will not run because it will not receive any datagrams. The licensed product can be used for a limited time after the request datagram is sent but will eventually quit unless a reply datagram containing an authorization is received. The request datagrams are sent periodically during use like a heartbeat and the number received can be used to bill for the amount of usage.

US 5,790,664 to Coley et al., filed Feb. 26, 1996, issued Aug. 4 1998: This patent discloses a licensing agent program which is attached to a licensed software product. Each licensed software product has a license record in a database at the location of the licensor. The licensing agent transparently forms a license record inquiry message when the software program is launched. This inquiry message is sent over a communication network such as the internet to the database where it is received and compared to the records in the database to determine if a valid license record exists in the database for the software program. The database then, after performing the requested search, forms a reply message and sends it over the communication network to the license agent. The license agent receives the message and interprets the contents and then takes appropriate action based upon the content of the message to enable continued use of the software application or disable further use if the use is not licensed.

US 5,758,068 to Brandt et al., filed Sept. 19, 1995, issued May 26, 1998: Discloses a license key based software license management system for enterprise computing. The license key is used to access the licensed product. A first identifier code from the enterprise computer system is used to allow the license key to identify the enterprise computer system. A second identifier code from a computer within the enterprise computing system is used to identify the computer to the license key as being part of the enterprise computing system. A third identifier code is selected from the licensed product itself which is to be used on the enterprise computing system and is tied to the enterprise system number thereby allowing the licensed program to be accessed with only a single key regardless of how many computers are accessing the licensed program.

US 6,049,789 to Frison et al., filed June 24, 1998, issued April 11, 2000: Discloses a software pay per use licensing system which uses one or more licensor license management systems and one or more licensee management systems (LMS). Each licensee LMS includes one or more components that function to grant pay per use licenses for software applications and includes the ability to collect data on the amount of usage granted and to monitor operational states of the

pay per use license granting and data collection operations and including periodic reporting of the state of usage license granting data to the licensor LMS. Each licensor LMS includes components that operate to receive, store and process state and usage license granted data for the software applications from the licensee system including verification of timely periodic reporting from the licensee LMS.

US 6,021,438 to Duvvouri, Sahai, Parthasarathy, Waldhauer, filed 6/18/97, issued 2/1/00: A license restriction management system having wrapper programs and agents as appropriate to manage launches of application programs in distributed systems of computers having a multiplicity of different operating systems. The system includes passive monitoring where only data regarding launches is collected or active monitoring where the number of copies of licensed programs in execution at any particular time is actively controlled by the agents and wrappers in cooperation with a license restriction management process. Configuration of the agents to use TCP or UDP communication protocols and to do automatic denial of unauthorized applications based upon either locally kept or centrally kept lists of authorized applications.

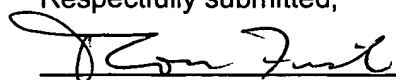
U.S. Patent 5,386,369 To Christiano, filed July 12, 1993, Issued January 31, 1995: An improved software metering system is disclosed. In one embodiment the metering system is in a hardware based "dongle" style meter that plugs into a port of the computer system on which the metered software is running, in software with the metering information being stored on the computer's non-volatile memory or even on a remote location that is attached to the computer system via a network. The disclosed invention utilizes a system of pointers and counter slots in order to prevent the loss of metering information due to non-volatile read/write memory wear out. Also, the invention utilizes a data structure of virtual counters and pointers to be able to keep track of numerous pieces of software with only one meter. The system is also capable of being updated and remotely without compromising meter security with the inclusion of an update code in the data structure. Both methods and apparatus for accomplishing these functions are disclosed.

U.S. Patent 5,390,297 to Barber et al., filed November 10, 1987, Issued February 14, 1995: License management systems and methods allow licenses for a computer program to be available for use at each of a plurality of nodes of a network. If a valid license file at a local node contains an unexpired, available license, a license manager at the local node permits the computer program to be executed at the requesting local node. If no such license is available in a valid license file at such local node, the license manager searches the other nodes for a valid license file containing an unexpired, available license. In one embodiment, if an unexpired available license is located in a valid license file at a second (or "remote") node, the license manager transfers such license to the local node, and assigns and encrypts a unique identification to such transferred license. The original record of the transferred license is modified by erasing it from the license file at the remote node so that the transferred license is no longer available there. In a second embodiment, the license manager modifies the license file to indicate use of the license at the local node without such transfer. The number of copies of the computer program that are authorized for execution simultaneously on the network is thus limited to the number of licenses that have been loaded into the license files on the network.

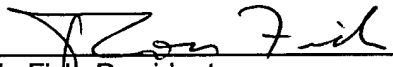
U.S. Patent 5,671,412 to Christiano, filed July 28, 1995, issued September 23, 1997: Discloses a license management system for software where a license servers initializes a license database by receiving a package license description that includes component license descriptions for component license products in a package. Licenses are also received and stored in the database and license records are created for both components and suites of components where each license includes the number of licenses that are available to be checked out. Client

computers can request licenses for software components in a package. Client requests for licenses are checked against a license policy and the database and granted or denied with messages back to the requesting client. Component licenses are also linked to suite licenses. Each license record also includes overdraft quantity, fail safe indications, minimum license quantity, etc.

Dated: 8/28/02

Respectfully submitted,  
  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington D.C. 20231 on 8/28/02  
(Date Of Deposit)

  
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